

REMARKS

Amendment to the Claims

Upon entry of the foregoing amendment, nineteen (19) claims are pending in the application. Of the pending claims, three (3) claims are independent, those being Claims 1, 8 and 14, with Claims 2 – 7 depending from Claim 1, Claims 9 – 13 depending from Claim 8 and Claims 15 – 19 depending from Claim 14. Claims 1, 8 and 14 have been amended for clarity. In Claims 1 and 14 the amendment is made to replace “base portion” with “support base” consistent with the previous use of “support base” earlier in each of the two claims. It is hoped that with these minor amendments the meaning of the claims is now more apparent. In Claims 1, 8 and 14, in the paragraph beginning with “a speaker support base” “the” (first instance) is replaced with “a”, for clarity and accuracy of the claim language. Independent Claims 1, 8 and 14 have also been amended, in the second paragraphs thereof, to specify that the speaker support base replaces at least part of a ceiling grid panel. While this point is made in the last paragraph of each claim, it is hoped that it will be more clear by insertion earlier in the claims as well. This change is also intended to provide clarity and accuracy and to clearly define that which applicants consider to be the invention. It is believed that with these clarifying amendments the Examiner will also more clearly understand the differences between the claimed invention and the cited art.

No new matter has been introduced by these amendments. Antecedent basis for the latter is found throughout the specification, for example, the Background section and in Figure 10 and the description thereof on Page 4.

Claim Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected Claim Nos. 1-3, 6-9, 12-14, and 17-19 as being anticipated under section 102(b) by Gordon U.S. Patent No. 4,330,691. Applicants respectfully traverse the Examiner's position. In their present form, the independent claims read as follows:

1. A speaker support system adapted for use with a suspended ceiling of the type having a suspended ceiling grid including a plurality of ceiling grid openings and a plurality of ceiling panels sized to fit within the ceiling grid openings, the speaker support system comprising;

a speaker support base replacing at least part of a ceiling panel and being capable of supporting at least one speaker within a grid opening without interfering with the operation of the speaker;

a guide flange integral to the speaker support base, the guide flange being adapted to align at least a portion of a ceiling tile within the ceiling grid opening; and

a support flange integral to the support base, the support flange being adapted to support at least a portion of the ceiling tile within the ceiling grid opening so that **at least a portion of the ceiling grid opening is filled with the speaker support base and the remaining portion of the ceiling grid opening is filled with the portion of the ceiling tile.**

8. A speaker support system adapted for use with a suspended ceiling of the type having a suspended ceiling grid including a plurality of ceiling grid openings and a plurality of ceiling panels sized to fit within the ceiling grid openings, the speaker support system comprising;

a speaker support base replacing at least part of a ceiling panel and being capable of supporting at least one speaker within a grid opening without interfering with the operation of the speaker;

a plate mounted to the speaker support base to strengthen the speaker support base;

a guide flange integral to the speaker support base, the guide flange being adapted to align at least a portion of a ceiling tile within the ceiling grid opening; and

a support flange integral to the speaker support base, the support flange being adapted to support at least a portion of the ceiling tile within the ceiling grid opening, so that **at least a portion of the ceiling grid opening is**

filled with the speaker support base and the remaining portion of the ceiling grid opening is filled with the portion of the ceiling tile.

14. A speaker support system adapted for use with a suspended ceiling of the type having a suspended ceiling grid including a plurality of ceiling grid openings and a plurality of ceiling panels sized to fit within the ceiling grid openings, the speaker support system comprising;

a speaker support base replacing at least part of a ceiling panel and being capable of supporting at least one speaker in alignment with a grid opening without interfering with the operation of the speaker;

a guide flange integral to the speaker support base, the guide flange being adapted to align at least a portion of a ceiling tile within the ceiling grid opening;

a support flange integral to the support base, the support flange being adapted to support at least a portion of the ceiling tile within the ceiling grid opening, **the speaker support base, the guide flange and the support flange being formed from substantially a single sheet of material**, so that **at least a portion of the ceiling grid opening is filled with the speaker support base and the remaining portion of the ceiling grid opening is filled with the portion of the ceiling tile**; and a plate disposed adjacent and parallel to the speaker support base to thereby strengthen the speaker support base.

(Emphasis added).

Major elements of each of the above independent claims 1, 8 and 14 have been shown in bold for ease of reading.

The cited reference, Gordon, U.S. 4,330,691, discloses an integral ceiling tile-loudspeaker system in which a speaker 10 is mounted directly on and above a ceiling tile 12. The ceiling tile 12 has perforations 14 beneath the position of the speaker 10 to permit escape of sound downwardly from the speaker through the ceiling tile. Applicants submit that the claims as originally filed make clear, in the last paragraph of each independent claim, that ““at least a portion of the ceiling grid opening is filled with the speaker support base and the remaining portion of the ceiling grid opening is filled with the portion of the ceiling tile.” Thus, the present

speaker support base replaces at least a part, if not all of a ceiling tile in a ceiling grid opening. The speaker in the new system is not disposed above a ceiling tile in any of the disclosed embodiments. Nonetheless, the “replacing. . .” language has been added to the second paragraph each of the independent claims, 1, 8 and 14, to make this point even more lucid. Accordingly, this feature applies to all claims in the present application and, among other things, specifically distinguishes all of the present claims in the application over Gordon.

Further, contrary to Examiner’s statement on page two of the action, element 62 is not a base of a speaker support system, but only another square of tile supporting a smaller ceiling tile. As made more clear in the present claims, in the Applicants’ system the speaker support system replaces at least a part of ceiling tile (panel) within a ceiling grid opening. The new system per se does not include any ceiling tile at all. In Gordon, the speaker rests directly upon ceiling tile(s). Moreover, in Gordon, the edge of panel 62 is only that, an edge which is inherently part of the thick panel, it is not an independent element, as is guide flange 30 in the present system, which is “integral to the speaker support base, and adapted to align at least a portion of a ceiling tile within the ceiling grid opening. Element 62 of Gordon cannot be both a tile portion and an integral flange of a base (which does not exist in Gordon) to align the ceiling tile within the ceiling grid opening. Again, the present system replaces ceiling tiles and does not include them as part of the system as claimed. Similarly, the bottom shoulder 64 and top shoulder 54 of the ceiling tiles used in Gordon are not the same as the distinct flanges of the presently claimed system. The flanges of the present claims are clearly shown in the drawings (e.g. Fig. 1) as distinct strips which, in keeping with conventional understanding of a “flange” extend or project

away from the speaker support base, they are not mere inherent edges which are only the remaining cut surfaces of a piece of ceiling tile. (*See the definition of “flange” below.*)

Regarding Claim 2, again, the support plate 28 of the present invention is distinctly not a piece of ceiling tile, which would not offer the strength and stability intended and which ceiling tile is distinctly excluded from the claims, as explained above.

Regarding Claim 6, as explained above, Gordon shows only a piece of ceiling tile supporting a speaker, it does not teach a system including a separate speaker support base with a guide flange and support flange formed from a single piece of material. Gordon’s ceiling tile which supports a speaker has no flanges at all, as shown and described in the present application, nor as defined in a standard dictionary, *The Random House College Dictionary*, 1979, page 501, “a projecting rim, collar or ring on a shaft, pipe, machine housing, etc., cast or formed to give additional strength, stiffness or supporting are, or to provide a place for the attachment of other objects, 2. a broad ridge, 3. a ring or collar provided with holes..., 4. to project like or take the form of a flange.....” The inherent edges of the Gordon ceiling tiles do not project at all. The ceiling tiles of Gordon have no flanges.

Regarding Claim 7, the apertures 14 as shown in Gordon are formed in a ceiling tile which supports a speaker. In the present invention, the perforations are formed in the base of the system which replaces at least a part of a ceiling panel within a ceiling grid opening. The critical point is not that there are perforations under a speaker, but that the perforations are formed in a completely different structural element.

Regarding Claim 8, as with regard to Claim 2, there is no support plate in Gordon as such plate is shown and described in the present application. Gordon shows only one or more ceiling tiles supporting a speaker in a suspended ceiling, it does not teach the present invention which is inserted in place of a ceiling tile.

Regarding Claim 18, the language in Gordon cited to by Examiner explains that the perforations of the Gordon invention extend through a ceiling tile which supports a speaker. By contrast the present invention includes perforations defined by the support base of the system which replaces a ceiling tile. Accordingly, Gordon neither teaches nor renders obvious the claimed invention.

Regarding the remainder of the dependent claims, 9, 12 – 14, 17 and 19, the arguments above apply here as well and these claims are all in condition for allowance as featuring patentable limitation on their respective allowable base claims.

All claims rejected by the Examiner under section 102 over Gordon are in condition for allowance as being neither taught nor rendered obvious by Gordon, for the reasons given above. The amendments made herein to independent Claims 1, 8 and 14 merely clarify this position, because the claims as filed included language, as pointed out above, that clearly distinguishes the claimed structure over Gordon.

Rejections under 35 U.S.C. § 103

The Examiner has rejected Claim Nos. 4-5, 10-11, and 15-16 under 35 U.S.C. §103 as being obvious and therefore unpatentable over Gordon U.S. Patent 4,330,691. Applicants traverse the rejections. Gordon is not applicable to these claims, for the same reasons cited

above. Addition of knowledge of one skilled in the art to Gordon will not make up for the missing elements shown and already discussed with reference to the independent claims 1, 8 and 14. Accordingly, these dependent claims all are in condition for allowance, as featuring patentable limitations on their respective allowable base claims.

Applicants also respectfully traverse this rejection as improper because a *prima facie* case of obviousness has not been made for Claim Nos.1, 8 or 14 nor their dependent claims.

Conclusion

Applicants respectfully submit that the independent claims 1, 8 and 14 are all allowable over the prior art of record, including the cited reference. For similar reasons, and for the additional reasons set forth above, Applicant urges that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



Dated: Oct. 25, 2005

By: Rebecca J. Brandau
Attorney of Record, Reg. No. 33,654
Husch & Eppenger, LLC
190 Carondelet Plaza
St. Louis, MO 63105
314-480-1500
314-480-1505 FAX